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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,367	04/02/2001	Koji Obata	450100-03146	7171

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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER	
TANG, KAREN C	

ART UNIT	PAPER NUMBER
2662	

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/824,367	OBATA ET AL.	
	Examiner	Art Unit	
	Karen C Tang	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-4 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-4 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinett et al hereinafter Robinett (US 6,351,471) in view of Turudic et al hereinafter Turudic (US 6,351,471).

I. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Turudic et al hereinafter Turudic (US 5,452,306).

1. Referring to Claims 1 and 3, Robinett discloses a data multiplexer for performing time division multiplexing (TDM: refer to Col 50, Lines 22-46.) of a bit stream (refer to Col , comprising: an extracting means (refer to Col 9, Lines 46-67) for extracting information necessary for multiplexing processing from said bit stream, refer to Fig 1 and 2 and Col 2, Lines 13-25.

Robinett indicates a separator (refer to Col 3, Lines 1-45) may separate multiplexed data by a specified method on the basis of said information extracted by said extracting means, refer to Fig 1 and 2, and Col 9, Lines 46-67.

Robinett does not expressly discloses calculating means for calculating a time division multiplex cycle.

Turudic indicates a first calculating means for calculating a time division multiplexing cycle (Cycle: refer to Fig 9, Col 14, Lines 22-45)

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to Combine Robinett and Turudic's invention. The suggestion/motivation for doing so would have been Robinett mentioned in his art that the Time Division Multiplex is used and the DS3 data and T1 interface are considered while performing multiplexing. T1capabilities allow the system to be used in the widest network.

Robinett indicates a multiplexing means for performing time division multiplexing of said bit stream on the basis of a result calculated by said first calculating means, refer to Col 2, Lines 26-67.

2. Referring to Claim 2, Robinett discloses a second calculating means for rate of a virtual data buffer calculating data occupancy of said separator refer to Col 3, Lines 1-45, wherein said multiplexing means determines order in which said bit stream is multiplexed on the basis of the data occupancy rate of said virtual data buffer calculated by said second calculating means, refer to Fig 1 and Col 4, Lines 41-46.

3. Referring to Claim 4, Robinett discloses a data multiplexer performing time division multiplexing refer to Fig 1 and Col 50, Lines 22-46.

Robinett discloses a program for a data multiplexer performing time division multiplexing, refer to Fig 2 and Col 16, Lines 60-67 and Col 33, Lines 38-67.

Robinett indicates an extracting step for extracting information necessary for multiplexing processing from said bit stream, refer to Col 9, Lines 45-67.

Robinett indicates a separator (refer to Col 3, Lines 1-45) may separate multiplexed data by a specified method on the basis of said information extracted by said extracting means, refer to Fig 3 and Col 9, Lines 46-67.

Robinett does not expressly discloses calculating means for calculating a time division multiplex cycle.

Turudic indicates a first calculating means for calculating a time division multiplexing cycle (Cycle: refer to Fig 9, Col 14, Lines 22-45)

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to Combine Robinett and Turudic's invention. The suggestion/motivation for doing so would have been Robinett mentioned in his art that the Time Division Multiplex is used and the DS3 data and T1 interface are considered while performing multiplexing. T1capabilities allow the system to be used in the widest network.

Robinett indicates processing (Examiner interprets processing information as to manipulates transmission information within the art) at said a multiplexing step for performing time division multiplexing of said bit stream on the basis of a result calculated by processing at said calculating step, refer to Col 33, Lines 38-67.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US 5,450,409 (Diaz et al discloses a multiport-multipoint digital data service)

- US 6,307,868 (Rakib et al discloses an apparatus and method for scdma digital data transmission using orthogonal codes and a head end modem with no tracking loops).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571)272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KT

JOHN PEZZLO
PRIMARY EXAMINER